

Lexington, Kentucky April 14, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 14, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Moloney, Myers, Scanlon, Shafer, Stinnett, Wigginton, Cegelka, DeCamp, Ellinger, Gorton and McChord. Absent were Council Members Stevens, Brown, Farmer and Lane.

The reading of the Minutes of the previous meetings was waived.

Ordinances No. 67-2005 thru 77-2005 inclusive and Resolutions No. 129-2005 thru 156-2005 inclusive were reported as having been signed and published, and were ordered to record.

The Invocation was given by Mr. Clay Duerson, President of the Fellowship of Christian Athletes at the University of KY.

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The minutes of the January 19 and February 24, 2005 Council Meetings were considered. Mr. Ellinger made a motion, seconded by Ms. Gorton and passed by unanimous vote, to correct the minutes of the January 19, 2005 Council Meeting to show that Mr. Ellinger was present at the meeting.

Upon motion of Mr. DeCamp and seconded by Mr. Stinnett, the minutes of the January 19 (as corrected) and February 24, 2005 Council Meetings were approved by unanimous vote.

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Ms. Shafer presented a Commemoration hailing and commending the Kentucky 2005 Sweet Sixteen State Champion Lexington Catholic Lady Knights Girls' Basketball Team for an outstanding season to Head Coach Greg Todd.

Coach Todd spoke about the team and their season, and introduced the team members.

Team member Shannon Novosel spoke about the team and their year.

The Mayor congratulated the team and thanked them for the gift of a piece of the basketball goal net from the winning game.

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Mr. Wigginton read a Proclamation declaring April 3 – 9, 2005 as Boys & Girls Club Week.

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Mr. Larry Ball, President of the KY Law Enforcement Council, introduced the members who were present and presented the Mayor and Council with a plaque commemorating the establishment of the new Public Safety Museum.

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An Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 13.19 net (17.27 gross) acres of property located at 1975 Russell Cave Road (J. B. Lang) was on the docket for second reading.

Mr. Richard Murphy, attorney for the petitioner, requested that the zone change request be withdrawn.

Upon motion of Mr. Wigginton and seconded by Ms. Gorton, the ordinance was

removed from the docket because the petitioner has withdrawn the zone change request.

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The following ordinances were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Gorton, McChord ----- 11

Nay: ----- 0

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 1.50 net (1.64 gross) acres of property located at 152 West Tiverton Way, subject to certain use restrictions imposed as a condition of granting the zone change. (Isaac-152, LLC)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 160.

An Ordinance authorizing the Mayor to accept a Grant from the U. S. Dept. of Housing and Urban Development, which grant funds are in the amount of \$1,426,690 Federal funds, are for the continuation of the Housing Opportunities for Persons with Aids (HOPWA) Program for three additional years, the acceptance of which obligates the Urban County Government for the expenditure of \$455,000 as required matching funds to be provided b the Lexington-Fayette County Health Dept. HIV Care Coordinator Program, Bluegrass Care Clinic, Moveable Feast Lexington, Hospice of the Bluegrass, Ky. AIDS Drug Assistance Program and AIDS Volunteers, Inc., and appropriating funds pursuant to Schedule No. 162.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Health Clinic Nurse RN (Grade 114E) and creating one (1) position of Health Clinic Nurse RN – P/T (Grade 114E) all in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 161, all to become effective upon passage by Council.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one position of Traffic Engineer Manager, Grade119E in the Div. of Traffic Engineering and creating one position of Engineering Technician Sr., Grade 113E, in the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 164, all to be effective upon passage by Council.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Officer, Grade 118E, in the Div. of Engineering, one (1) position of Engineering Section Manager, Grade 120E, in the Div. of Engineering and one (1) position of Public Service Supervisor, Grade 111N, in the Div. of Parks and Recreation, all to be effective retroactive to November 1, 2004; one (1) position of Administrative Specialist Sr., Grade 112N, in the Dept. of Public Works, to be effective retroactive to October 1, 2004; one (1) position of Parks Maintenance Manager, Grade 114E, in the Div. of Parks and Recreation, to be effective retroactive to September 1, 2004; one (1) position of Stores Clerk, Grade 107N, in the Div. of Parks and Recreation, to be effective retroactive to September 17, 2004; one (1) position of Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, to be effective retroactive to August 30, 2004; one (1) position of Public Service Supervisor, Grade 111N, in the Div. of Parks and Recreation, to be effective retroactive to August 2, 2004; one (1) position of Public Service Worker Sr., Grade 107N, in the Division of Parks and Recreation, to be effective retroactive to July 11, 2004; two (2) positions of Engineering Technician, Grade 111N, in the Div. of Engineering, one (1) position of Public Service Worker Sr., Grade 107N, in the Div. of Parks and Recreation, and one (1) position of Staff Assistant, Grade 107N, in the Dept. of General Services, all to be effective retroactive to June 14, 2004; and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, in the Dept. of Public Works to be effective retroactive to June 14, 2004; and appropriating funds pursuant to Schedule No. 165.

An Ordinance amending Section 1 of Ordinance No. 195-2004 to adjust the salary range of Program Assistant – Part Time in the Div. of Parks to begin at minimum wage, to be effective retroactive to July 8, 2004.

An Ordinance authorizing the issuance of its \$5,395,000 Various Purpose General Obligation Notes (Series 2005A) (which amount may be increased or decreased by an amount of up to ten percent (10%)) and \$2,830,000 Fire Equipment General Obligation Notes (Series 2005B) (which amount may be increased or decreased by an amount of up to ten percent (10%)); approving a form of Note; authorizing designated officers to execute and deliver the Notes; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Notes; creating a Note Payment Fund; creating a Sinking Fund; authorizing acceptance of the proposal of the purchaser of the Notes; and repealing

inconsistent ordinances; and appropriating funds pursuant to the Schedule attached hereto as Annex C.

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The following ordinances were given first reading and ordered placed on file one week for public inspection.

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Planned Shopping Center (B-6P) zone for 35.26 net (46.16 gross) acres of property, from an Agricultural Urban (A-U) zone to a Planned Shopping Center (B-6P) zone for 19.86 net (23.14 gross) acres of property, from a Professional Office (P-1) zone to a Planned Shopping Center (B-6P) zone for 1.50 net (1.71 gross) acres of property, and from an Interchange Service Business (B-5P) zone to an Agricultural Urban (A-U) zone for 5.19 net (5.92 gross) acres of property located at 2030 Winchester Road (a portion of), subject to certain use restrictions imposed as a condition of granting the zone change. (Preston W. Madden & Akbar, LLC)

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a High Density Apartment (R-4) zone for 0.54 net (0.60 gross) acre of property, from a Neighborhood Business (B-1) zone to a Mixed Use: Neighborhood Corridor (MU-2) zone for 0.94 net (1.10 gross) acre of property, and from a Neighborhood Business (B-1) zone to a High Density Apartment (R-4) zone for 0.11 net (0.11 gross) acre of property located at 261 and 267 South Limestone Street and 372, 376 and 380 South Upper Street, subject to certain use and density restrictions imposed as a condition of granting the zone change. (JTM Holdings, LLC (AMD))

An Ordinance amending Section 23A-9(k)(3) of the Zoning Ordinance so as to increase the allowable size of buildings in the Community Center (CC) zone from 10,000 to 15,000 square feet in floor area.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist, Grade 110N, and creating one (1) position of Administrative Specialist Principal, Grade 114E and reclassifying the incumbent in the Div. of Human Resources, to be effective retroactive to January 19, 2005, and appropriating funds pursuant to Schedule No. 167.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Public Service Worker, Grade 106N, and creating one (1) position of Vehicle and Equipment Mechanic – Apprentice, Grade 107N, and reclassifying the

incumbent, in the Div. of Fleet Services, to become effective retroactive to February 16, 2005, and appropriating funds pursuant to Schedule No. 169.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$140,540 Federal funds, are for the 2005 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 170, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, for the acceptance of an additional \$174,400 in Federal funds for the construction phase of the Alumni Drive Turn Lane Construction Project, the acceptance of which obligates the Urban County Government for the expenditure of \$43,600, and appropriating funds pursuant to Schedule No. 168.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 166.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist, Grade 110N, and creating one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Sanitary Sewers, and appropriating funds pursuant to Schedule No. 172.

An Ordinance amending Section 21-5 of the Code of Ordinances reallocating one (1) position of Security Supervisor from Grade 110N to Grade 112N, in the Dept. of General Services, to be effective retroactive to February 16, 2005, and appropriating funds pursuant to Schedule No. 174.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing seven (7) positions of Videographer, Grade 111N, and creating seven (7) positions of Producer, Grade 113N, and reclassifying the incumbents, in the Div. of Government Communications, to be effective retroactive to January 5, 2005, and appropriating funds pursuant to Schedule No. 176.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Clerical Assistant, Grade 104N, in the Div. of Parks and creating one (1)

position of Clerical Assistant, Grade 104N, in the Dept. of General Services, transferring the incumbent, and appropriating funds pursuant to Schedule No. 178.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Staff Assistant Sr., Grade 108N in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 173.

An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) position of Eligibility Counselor, Grade 110E, in the Div. of Family Services.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Board of Emergency Medical Services, which grant funds are in the amount of \$11,500.00 Commonwealth of Ky. funds, are for the purchase of five (5) stair chairs for moving individuals up and down staircases, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 171, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Commonwealth of Ky. State Police Highway Safety Program, which grant funds are in the amount of \$10,000 Federal funds, are for a two week enforcement blitz for the Memorial Day "Buckle Up Kentucky" mobilization period from May 23 through June 5, 2005, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 177, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit the 2005 Consolidation Plan/Grant Application to the U. S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this grant application, and to accept the grant if the application is approved, which grant funds are in the amount of \$4,007,005 Federal funds, are for FY06 Community Development Block Grant Program (\$2,374,796), HOME Program (\$1,470,431), Emergency Shelter Grant Program (\$91,620) and the American Dream Down Payment Initiative (\$70,158), the acceptance of which obligates the Urban County Government for the expenditure of \$345,890 from various funding sources as local cash match and \$81,620 in-kind match; appropriating funds pursuant to FY06 Schedule No. 3; authorizing the Mayor to transfer unencumbered funds within the grant budget; and

authorizing the Mayor to execute agreements for the approved plan.

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An Ordinance amending Section 4-9(a) of the Code of Ordinances to require police officers to aid humane society officers by arresting persons criminally charged with mistreatment or torture of animals; amending Sections 4-9(c), 4-12.4(e), 4-12.5(e), 4-21(a) and (b), and 4-22(a) and (b) of the Code to change all references to the Lexington Humane Society and the dog warden to the animal control officer; repealing Subsection (b) of Section 4-11.1 of the Code; amending Sections 4-12.3(a) and (d), 4-12.4(b), (c), (d) and (g), 4-12.5(e), 4-22(a), 4-29(1) and (2), and 4-33(2) of the Code to change all references to the Lexington Humane Society and its executive director to the designated licensing facility; amending Sections 4-12.4(b) and (e), 4-14(f), 4-21(a) and (c), and 4-22(a) of the Code to change all references to the Lexington Humane Society and the dog pound to the animal shelter; amending Sections 4-12.3(d) and 4-21(c) of the Code to allow dog owners to reclaim their dogs by purchasing a vaccination voucher in lieu of showing proof of rabies vaccination; creating Subsection (f) of Section 4-12.3 to establish a vaccination voucher fee of \$5.00; amending Subsections (a), (c), and (d) through (h) of Section 4-12.3 of the Code to require rabies vaccinations for all dogs and cats four (4) months of age or older; to define and exempt assistance dogs from the local dog license requirement; to establish an annual license fee of \$8.00 for an altered dog or cat and \$40.00 for an unaltered dog or cat, authorizing the designated license facility to retain \$6.00 of the \$8.00 fee and \$10.00 of the \$40.00 fee, allocating \$25.00 of the \$40.00 fee to the "Spay and Neuter Fund," requiring the owner or custodian to provide proof of alteration, and providing an exception to the higher license fee if spaying or neutering would be harmful to the animal; amending Sections 4-12.5(b) and 4-16(a) of the Code to delete all references to the state dog license, to refer to the local license tag in lieu of the state dog license, and to make the local license effective for a twelve month period; amending Section 4-14(b), (c) and (g) of the Code to require a vicious dog enclosure to be at least seven feet high with a secure top, to restrict the purposes for which vicious dogs may leave the enclosure to those authorized by KRS 258.235, and to reduce the quarantine period for a vicious dog to ten days; amending Section 4-19(a) of the Code to exclude hounds and hunting dogs while hunting from the prohibition against dogs running at large; amending Subsection (c) of Section 4-21 of the Code to establish a boarding fee of \$7.50 per day, including the first and last day of

impoundment; creating Subsection (d) of Section 4-21 of the Code to establish an impound fee of \$25.00 for altered dogs and cats and \$50.00 for unaltered dogs and cats for a first offense during any twelve (12) month period, doubling the impound fee for a second and each subsequent offense during any twelve (12) month period, allocating \$25.00 of the impound fee to the General Fund and the balance to the “Spay and Neuter Fund,” and to provide the owner of an unaltered dog or cat with the option of purchasing spay or neuter services from the Lexington Humane Society for a fee of \$50.00 in lieu of paying the impound fee; creating Section 4-21.1 of the Code to establish a Spay and Neuter Grant Program; creating Section 4-21.2 of the Code to establish eligibility criteria for the Spay and Neuter Grant Program; amending Section 4-23 of the Code to include Coldstream Park as a park within which the director of the Div. of Parks may designate a dog run area; and, repealing Subsection (f)(3) of Section 14-10 of the Code; all effective on the date of passage was given first reading.

Mr. Russell Southworth, 3404 Fox Drive, stated that he objected to the increase in fees for dogs that weren’t spayed or neutered because he raises show dogs and can’t have them spayed/neutered.

The ordinance was ordered placed on file one week for public inspection.

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The following resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Gorton, McChord ----- 11

Nay: ----- 0

A Resolution accepting the bid of Kost USA, Inc., establishing a price contract for hydraulic oil, for the Div. of Fleet Services.

A Resolution accepting the bid of Worldwide Equipment establishing a price contract for front loader cab and chassis trucks, for the Div. of Fleet Services.

A Resolution accepting the bid of Municipal Equipment, Inc. establishing a price contract for automated side loading refuse bodies, for the Div. of Fleet Services.

A Resolution accepting the bid of ATD-American Co. establishing a price contract for intensive use chairs, for the Office of Enhanced 911.

A Resolution accepting the bid of Andy Frain of Ky. establishing a price contract for parking garage and general security.

A Resolution accepting the bid of D & D Machinery Mover & Millwright, Inc. in the amount of \$24,425.00, for screw pump removal.

A Resolution authorizing the Mayor to execute a Statement of Affiliation to establish the LFUCG Div. of Fire and Emergency Services Special Operations Technical Rescue Team under KRS Chapter 39F, at no cost to the Government.

A Resolution amending Section 3(h) of Resolution No. 529-2001 to change the reference for the current street address from 5393 Rosalie Road to 3593 Rosalie Road.

A Resolution amending Resolution No. 710-2004 to delete Section 3(b) which changed the address of 3701 Nicholasville Road to 3731 Nicholasville Road.

A Resolution authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its \$5,395,000 Various Purpose General Obligation Notes (Series 2005A) (which amount may be increased or decreased by an amount of up to ten percent (10%)) and \$2,830,000 Fire Equipment General Obligation Notes (Series 2005B) (which amount may be increased or decreased by an amount of up to ten percent (10%)).

A Resolution authorizing the Mayor to execute a Quitclaim Deed and Release of Easement releasing a portion of a utility easement at 4332 Saron Drive.

A Resolution authorizing the Mayor to execute a Release of Easement releasing a sanitary sewer easement at 2083 Manor Drive.

A Resolution authorizing the Mayor to execute Agreements with Willow Bend Neighborhood Association, Inc. (\$250.00), Willow Bend Neighborhood Association, Inc. (\$150.00), Lafayette Wrestling Booster Club, Inc. (\$700.00), Downtown Lexington Corporation (\$975.00), Fraternal Order of Firefighters of Lexington Fire Dept., Inc. (\$2,125.00), The Bluegrass Irish Society, Inc. (\$975.00), and Golfview Estates Neighborhood Association, Inc.(\$375.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Loan Agreement with One Parent Family Facility Corp. and Virginia Place Phase II, LLC, for the construction of an expansion to the One Parent Family Facility (Virginia Place), at a cost not to exceed \$250,000 in Federal HOME Investment Partnerships funds.

A Resolution authorizing the Mayor to execute an Engineering Services Agreement with CDP Engineers, Inc., for survey work on the Brighton East Rail Trail, at a cost not to exceed \$14,800 in Federal Surface Transportation funds.

A Resolution authorizing the Mayor to execute a Customized Training Agreement with Keeneland Association, Inc., for computer upgrade training, at a cost not to exceed \$10,000.00.

A Resolution authorizing the Mayor to execute an Amendment to an Armored Car Service Agreement with AT Systems Central, Inc., for armored car services, at a cost not to exceed \$13,614.96.

A Resolution authorizing the Mayor to execute Change Order No. 4 to the contract with Enviro Services and Constructors, d/b/a RRT Design & Construction, for training and interim management needs at the LFUCG Recycling Center, increasing the contract price by the sum of \$53,170 from \$360,875 to \$414,045.

A Resolution authorizing the Mayor to execute Change Order No. 9 to the contract with Haydon Bridge Co., Inc., for the West Reynolds Road Widening Project, increasing the contract price by the sum of \$47,191.80 from \$7,950,915.22 to \$7,998,107.02

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The following resolutions were given first reading. Upon motion of Mr. DeCamp and seconded by Mr. Myers, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Gorton, McChord ----- 11
Nay: ----- 0

A Resolution accepting the bid of Bluegrass Fire Equipment Co. establishing a price contract for firefighter protective clothing, for the Div. of Fire.

A Resolution accepting the bid of Brown Sprinkler Corp. in the amount of \$134,581.00, for fire protection system for the Carver Community Center for the Div. of Parks.

A Resolution establishing as a priority of the Urban County Council in the 2006 Lexington-Fayette Urban County budget the addition of seventy (70) sworn officers to the authorized strength of the Div. of Police.

A Resolution approving the granting of an Inducement to Belcan Engineering Services Aerospace Division, pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Belcan Engineering Services Aerospace Division locating offices in the World Trade Center and who are paying the service and

technology job creation assessment fee to have their occupational license fee reduced by one-fifth (1/5) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Belcan Engineering Services Aerospace Division, subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution approving the granting of an Inducement to Clark Material Handling Co., pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Clark Material Handling Co., expanding its operations at 700 Enterprise Drive and who are paying the service and technology job creation assessment fee to have their occupational license fee reduced by one-fifth (1/5) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Clark Material Handling Co., subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution approving the granting of an Inducement to Immpheron, Inc. pursuant to the Ky. Jobs Development Act, by allowing all of its employees whose jobs have been deemed by the Ky. Jobs Development Authority to have been created as a result of Immpheron, Inc. expanding its Fayette County Facility at the University of Ky.'s Coldstream Research Campus and who are paying the service and technology job creation assessment fee to have their occupational license fee reduced by one-fifth (1/5) of the assessment fee for a term of not longer than ten (10) years from the activation date established by Immpheron, Inc., subject to the limitations contained in the Ky. Jobs Development Act; and taking other related action.

A Resolution authorizing the Mayor to execute an Agreement with the Ky. Transportation Cabinet, Dept. of Highways, for the right turn lane project from Route U. S. 27 to Waveland Museum Lane, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with Lexington Citizen Police Academy Alumni Association, Inc. (\$1,225.00), Dixie Junior Pro Basketball League, Inc. (\$400.00), Lafayette PTSA, Inc. (\$400.00), Lafayette PTSA, Inc. (\$500.00), Central Ky. Radio Eye, Inc. (\$1,300.00), Ky. Border Collie Association (\$125.00), Lexington Affiliate of the Susan G. Komen Breast Cancer Foundation, Inc. (\$1,575.00), and Ky. State Treasurer (\$425.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute Facility Agreements with Kirklevington Senior Baseball, Southeastern Cal Ripken, Southeastern Babe Ruth, Northern Cal Ripken, Northern Babe Ruth, Gardenside Little League, Eastern Little League, Dixie Youth Baseball, Bluegrass Girls Fastpitch, Southwest Lexington Pony Baseball, Inc., South Lexington Youth Baseball, and South Lexington Babe Ruth, for use of Government owned ballfields for the benefit of the youth in the community, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Dept. of Corrections Blackburn Correctional Complex, for mowing at Masterson Station Park, in exchange for hay for the inmate cattle operation.

A Resolution authorizing the Mayor to execute an Engineering Services Agreement with Fuller, Mossbarger, Scott and May Engineers, Inc., for Trafton Street Drainage Study, at a cost not to exceed \$39,000.00.

A Resolution authorizing the Mayor to execute an Amended Agreement for professional services with Hilary Bohannon, for services in regard to collective bargaining for police and fire employees, at a cost not to exceed \$10,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with R. L. Craig Co., Inc., for ductwork for the Versailles Road Multi Purpose Facility, increasing the contract price by the sum of \$915.00 from \$15,387.00 to \$16,302.00.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger and passed by unanimous vote, a Resolution accepting the successful proposal for the purchase of \$5,365,000 Various Purpose General Obligation Notes (Series 2005A) and \$2,830,000 Fire Equipment General Obligation Notes (Series 2005B) was placed on the docket and given first reading.

The Council asked Ms. Donna Counts, Commissioner of Finance, and Mr. John Merchant, bond attorney, to further explain the resolution, and requested that additional information and notification be given to the Council on future bond issues.

Upon motion of Ms. Gorton and seconded by Mr. Ellinger, the rules were suspended by unanimous vote. The resolutions were given second reading and passed

by the following vote:

Aye: Moloney, Myers, Scanlon, Shafer, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Gorton, McChord ----- 11

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file one week for public inspection.

A Resolution accepting the bid of London Impressions establishing a price contract for printing of Fun Guide for 2005 Supplement.

A Resolution accepting the bid of Evercom establishing a price contract for inmate telephone service.

A Resolution accepting the bid of Central Business Systems, Inc. and further authorizing the Mayor to execute a Lease Agreement and a Maintenance Agreement for a mail system, for the Dept. of General Services, at a cost not to exceed \$8,659.08 per year for four (4) years, subject to sufficient funds being budgeted in subsequent fiscal years.

A Resolution expressing the Lexington-Fayette Urban County Government's concern about ongoing discussions and plans to either eliminate or cut funding to the Community Development Block Grant (CDBG) Program and to remove the program from the supervision of the Dept. of Housing and Urban Development (HUD); expressing support for and the importance of the CDBG Program; and requesting that the President and Congress of the United States of America leave the CDBG Program under the auspices of HUD and fund the program at no less than the current level of \$4.7 billion.

A Resolution pursuant to KRS 381.755 and 901 KAR 5:090 authorizing the removal and relocation of graves in an abandoned cemetery located upon property at 1936 and 1990 Bryant Road owned by Josephine Sexton Cope.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a permanent bikeway, shared use trail and access easement and a temporary construction easement from Davina G. Dodge and Brian R. Dodge, located at 3236 Brighton Place Drive, for Phase I of the Brighton East Rail Trail Project, and authorizing payment in the amount of \$3,750.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute the Certificate of Consideration and to accept a General Warranty Deed, from Carol T. Smith, for the property located at

209 St. Ann Drive for the Idle Hour Storm Drainage Project, at a cost not to exceed \$117,000 for the property and \$1,700 for relocation expenses.

A Resolution authorizing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain a temporary construction easement and permanent right of way at 663 East Loudon Avenue for the Loudon Avenue Improvement Project.

A Resolution authorizing the Mayor to execute Agreements with Waverunners, Inc. (\$100.00), The Urban League of Lexington, Fayette County, Inc. (\$925.00), The Lexington History Museum, Inc. (\$675.00), and Lexington Shakespeare Festival, Inc. (\$750.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement with Lexington Habitat for Humanity, for material costs and specialized skills associated with the construction of one house to be sold to a low-income family, at a cost not to exceed \$37,500 in Local Government Economic Assistance Funds.

A Resolution authorizing the Mayor to execute an Agreement with Hope Center, Inc., for operational support of the HopeMobile Program for homeless persons, at a cost not to exceed \$20,000 in Local Government Economic Assistance Funds.

A Resolution authorizing the Mayor to execute a Lease Agreement with LexCare, for space at the Black and Williams Neighborhood Center.

A Resolution authorizing the Mayor to execute Change Orders to the Contract with LAGCO, Inc. for Phase 3 of the Government Center HVAC renovation increasing or decreasing the contract amount provided: budgeted funds are available to cover the change order increases; no change order has the effect of materially changing the scope of the project or contract; the cumulative total increase for all change orders so executed does not exceed \$100,000 (4% of the contract amount); no individual change order increase exceeds \$30,000 (1% of the contract amount); a summary of all change orders so executed will be furnished to the Urban County Council quarterly, unless more frequent reporting is requested; and no change orders shall be submitted for execution until they have been reviewed and recommended by the consulting engineer and their sub-consultants, the Div. of Central Purchasing and the director of the Div. of Building Maintenance and Construction.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Tetra Tech, Inc., for design of the Richmond Road Multi-Use Path Project, increasing the contract price by the sum of \$6,380 from \$28,000 to \$34,380.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the contract with Nesbitt Engineering, Inc. for Edgelawn Collector System Bond Project, increasing the contract price by the sum of \$3,190.78 from \$169,668.00 to \$172,858.78.

A Resolution approving the probationary civil service appointments of: Marwan Rayan, Urban County Engineer, Grade 123E, \$3,846.16 bi-weekly, in the Div. of Engineering, effective April 4, 2005; Billy Works, Equipment Operator Sr., Grade 109N, \$11.283 hourly, in the Div. of Solid Waste, effective April 18, 2005; Dawn Angarone, Administrative Specialist, Grade 110N, \$17.293 hourly, in the Div. of Risk Management, effective April 18, 2005; Robert W. Belt, Public Service Supervisor, Grade 111N, \$18.571 hourly, in the Div. of Parks, effective March 28, 2005; Karen Simpson, Administrative Specialist Principal, Grade 114E, \$1,642.24 bi-weekly, in the Div. of Community Development, effective April 3, 2005; Crystal Mundy, Staff Assistant, Grade 107N, \$11.681 hourly, in the Div. of Central Purchasing, effective April 18, 2005; James L. Holman, Skilled Trades Worker Sr., Grade 112N, \$20.664 hourly, in the Div. of Parks, effective April 4, 2005; Phillip Burbage, Human Resources Analyst, Grade 115E, \$1,628.32 bi-weekly, in the Div. of Human Resources, effective April 18, 2005; Hillard Newman Jr., Engineering Section Manager, Grade 120E, \$2,534.72 bi-weekly, in the Div. of Engineering, effective March 21, 2005; Rodney Waugh, Equipment Operator Sr., Grade 109N, \$13.647 hourly, in the Div. of Streets, Roads and Forestry, effective April 18, 2005; Nicole Rodriguez, Human Resources Analyst, Grade 115E, \$1,423.20 bi-weekly, in the Div. of Human Resources, effective April 18, 2005; Michael Clayborne, Engineering Technician Sr., Grade 113E, \$1,367.20 bi-weekly, in the Div. of Engineering, effective March 21, 2005; Lois Poole, Staff Assistant, Grade 107N, \$11.206 hourly, in the Div. of Human Resources, effective April 18, 2005; Arecannon Jones, Equipment Operator Sr., Grade 109N, \$14.292 hourly, in the Div. of Solid Waste, effective May 2, 2005; Kevin Bolton, Equipment Operator Sr., Grade 109N, \$11.713 hourly, in the Div. of Solid Waste, effective May 2, 2005; Arnold Sidney, Custodial Worker, Grade 102N, \$9.908 hourly, in the Div. of Building Maintenance and Construction, effective May 2, 2005; Joyce Acres, Administrative Specialist, Grade 110N, \$17.228 hourly, in the Div. of Revenue, effective April 18, 2005; Brian Gross,

Equipment Operator Sr., Grade 109N, \$11.391 hourly, in the Div. of Solid Waste, effective May 2, 2005; ratifying the permanent civil service appointments of: Paula Williams, Human Resources Analyst, Grade 115E, in the Div. of Human Resources, effective March 20, 2005; Robert T. Phelps, Code Enforcement Officer, Grade 113N, in the Div. of Building Inspection, effective April 11, 2005; Jeffery T. Hanes, Public Service Supervisor, Grade 111N, in the Div. of Parks, effective February 23, 2005; Ernest Keene, Engineering Technician Sr., Grade 113E, in the Div. of Sanitary Sewers, effective March 20, 2005; Tracy Richardson, Human Resources Representative, Grade 117E, in the Div. of Human Resources, effective April 1, 2005; Jason Allinder, Associate Traffic Engineer, Grade 115E, in the Div. of Traffic Engineering, effective April 18, 2005; approving the probationary sworn appointments of: Clayton Roberts, Police Sergeant, Grade 315N, \$1,734.00 bi-weekly, in the Div. of Police, effective March 14, 2005; approving leave of absence for: Linda Craft, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, requests a 90 day leave of absence without pay (intermittently) effective April 1, 2005; Patrick Wright, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, requests a 90 day leave of absence, effective March 24, 2005; ratifying the unclassified civil service appointment of: Robert Briscoe, Client Assessment Counselor, Grade 112E, \$1,044.64 bi-weekly, in the Mayor's Training Center, effective April 18, 2005; approving the voluntary demotions of: Rhonda Sears, Communications Shift Manager, Grade 116E, \$1,632.16 bi-weekly, to Communications Officer Sr., Grade 113N, \$14.708 hourly, in the Div. of Police, effective April 18, 2005; Latricia Jones, Communications Officer Sr., Grade 113N, \$16.196 hourly, to Communications Officer, Grade 111N, \$13.376 hourly, in the Div. of Police, effective April 18, 2005; Peter Skye, Communications Officer Sr., Grade 113N, \$16.195 hourly to Communications Officer, Grade 111N, \$13.920 hourly, in the Div. of Police, effective April 5, 2005; Stanley Anderson, Community Corrections Sergeant, Grade 112N, \$19.048 hourly, to Community Corrections Officer, Grade 110N, \$18.476 hourly, in the Div. of Community Corrections, effective April 4, 2005; amending Resolution No. 146-2005 approving the probationary sworn appointments of: Richard Jordan, Joseph Kinney, Battalion Chief, Grade 319E, \$3,136.24 bi-weekly, in the Div. of Fire, effective January 24, 2005.

A Resolution changing the property address numbers of 319-329 Twin Spires Trail to 321-331 Twin Spires Trail, and of 3507-3523 Lochdale Terrace to 3509-3525 Lochdale Terrace.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$96,517.00 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project for FY 2006.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet's Law Enforcement Service Fee Program and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$82,000.00 in FY 2006 Commonwealth of Ky. funds, and are for overtime costs of approximately 4,500 police officer hours for a Traffic Alcohol Patrol.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U. S. Dept. of Justice Office of Justice Programs, Bureau of Justice Assistance and to provide any additional information requested in connection with this grant application, which grant funds are in the estimated amount of \$54,531.00 Federal funds, and are for reimbursement, under the 2005 State Criminal Alien Assistance Program (SCAAP), of costs associated with incarcerated undocumented criminal aliens.

A Resolution authorizing the Dept. of Law to accept a Deed of Permanent right-of-way and temporary construction easement from JRN, Inc., 1015 Winchester Road; and authorizing the Mayor to execute any other necessary and proper documents to complete the acquisition, for the Loudon Avenue Improvements Project, at a cost not to exceed \$20,000.

A Resolution authorizing the Mayor to accept the proposal of Vermont Systems, for computer software for the Div. of Parks, at a cost not to exceed \$98,000.00.

A Resolution authorizing the Mayor to execute an Agreement with the Board of Education of Fayette County, Ky., for preparation and delivery of meals for the 2005 Summer Food Service Program, at a cost not to exceed \$2.08 for each lunch, \$1.25 for each breakfast, and \$0.58 for each snack.

A Resolution authorizing the Mayor to execute an Agreement with the Valley View Ferry Authority, for operational support of the Valley View Ferry, at a cost not to exceed \$20,000 in Local Government Economic Assistance Funds.

A Resolution authorizing the Mayor to execute a Professional Services Agreement with Carrie Lynn Dunaway, as a Certified Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed \$20.00 for each scheduled on-call period, \$220.00 for each completed forensic examination and the reasonable cost of medical liability insurance.

A Resolution authorizing the Mayor to execute two three-year Maintenance Agreements with A. B. Dick Products of Lexington, Inc., for maintenance of a Konica 7155 copier and a Duplo Duplicator, at a cost not to exceed \$5,520.00, and \$.006 per copy over 240,000 copies on the Konica 7155 copier and \$.0013 per copy over 200,000 copies on the Duplo Duplicator.

A Resolution authorizing the Mayor to execute Concession Contracts with Northern Cal Ripken for Kenawood Park/Constitution Park, Northern Babe Ruth for Constitution Park, Southwest Lexington Pony Baseball, Inc. for Cardinal Run Park and Airport Field, Kirklevington Senior Baseball for Kirklevington Park, South Lexington Babe Ruth for Shillito Park, South Lexington youth Baseball for Shillito Park, Southeastern Cal Ripken for Veterans Park and River Hill Park, Southeastern Babe Ruth for Veterans Park, Gardenside Little League for Cardinal Run and Wolf Run Park, Dixie Youth Baseball for Mary Todd Park, Bluegrass Girls Fast Pitch for Gainesway Park/Cardinal Run Field 8 and Eastern Little League for Ecton Park, to provide concessions at Government owned ballfields for the benefit of the youth in the community, at no cost to the Urban County Government.

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Upon motion of Mr. McChord, seconded by Ms. Gorton and passed by unanimous vote, the following communications from the Mayor were approved and are as follows: (1) recommending the appointment of Tom Polites to the Administrative Hearing Board with a term to expire 7-1-2006. Mr. Polites will fill unexpired term of James Ellerbe; (2) recommending the appointment of Carolyn Linquist to the CASA Advisory Board with a term to expire 6-11-2007; (3) recommending the appointment of Bill Farmer to the City Employees Pension Fund as an ex-officio. Mr. Farmer will fill the

unexpired term of George Myers as Council Representative; (4) recommending the reappointment of David Godfrey to the Commission on Community Services for Older Persons with a term to expire 4-30-2009. Also, recommending the appointment of Cindy Lio to the Commission on Community Services for Older Persons with a term to expire 4-30-2009 (5) recommending the appointment of Henry Jackson to Community Action Council as an ex-officio. Mr. Jackson will fill the unexpired term of Doug Greene; (6) recommending the reappointments of Joe Dawahare and Beth Mills to the One Parent Family Facility Board with terms to expire 4-1-2009. Also, recommending the appointments of Darlena J. Brown, Marie-Antoinette Sossou, Mary Meade-McKenzie, Jessica Davis, Ann Phillips Mayfield and Eric Morton with terms to expire 4-1-2009; (7) recommending the appointment of William Thomas to the Raven Run Nature Sanctuary Advisory Board with a term to expire 1-13-2006. Mr. Thomas will fill the unexpired term of Kent Slusher as Forester Representative and (8) recommending the appointment of Frank Penn, Farm Bureau Representative, to the Rural Land Management Board with a term to expire 4-1-2009.

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The following communications were received from the Mayor for information only:

(1) Resignation of Tyrone Love, Equipment Operator, Grade 108N, in the Div. of Sanitary Sewers, effective March 18, 2005; (2) Resignation of Herman Price Jr., Heavy Equipment Mechanic-Apprentice, Grade 108N, in the Div. of Fleet Services, effective March 18, 2005; (3) Resignation of Jodey Evans, Assistant Operations Supervisor Sr., Grade 114E, in the Div. of Fleet Services, effective March 11, 2005; (4) Resignation of James R. McFarland, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 19, 2005; (5) Resignation of Thomas Orluk, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 21, 2005; (6) Resignation of Rayshawna Shelby, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 2, 2005; (7) Resignation of Christopher Cawood, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 3, 2005; (8) Resignation of Angela Miller, Microcomputer Support Specialist, Grade 113N, in the Div. of Police, effective April 17, 2005; (9) Resignation of Steven Gilbert, Police Officer, Grade 311N, in the Div. of Police, effective April 1, 2005; (10) Resignation of James Donegan, Public Service Worker, Grade 106N, in the Div. of Solid Waste, effective March 28, 2005; (11)

Resignation of Todd Caudill, Communication Officer, Grade 111N, in the Div. of Police, effective April 10, 2005; (12) Resignation of Alexis McGee, Communication Officer Sr., Grade 113N, in the Div. of Police, effective April 2, 2005; (13) Resignation of Andrea R. Coleman, Juvenile Justice Specialist, in the Office of the Mayor, effective March 10, 2005; (14) Resignation of Jonathan Bailey, Police Trainee, Grade 311N, in the Div. of Police, effective March 23, 2005; (15) Resignation of Brandon Burch, Police Trainee, Grade 311N, in the Div. of Police, effective March 24, 2005; (16) Resignation of Camiel Habets, Police Trainee, Grade 311N, in the Div. of Police, effective March 24, 2005; (17) Resignation of Robert Taylor, Police Trainee, Grade 311N, in the Div. of Police, effective March 25, 2005; (18) Resignation of Chris Darmadji, Police Trainee, Grade 311N, in the Div. of Police, effective April 5, 2005; (19) Resignation of Ruth Williams, Administrative Specialist Sr., Grade 112N, in the Dept. of Law, effective March 17, 2005; (20) Resignation of Donald Welch, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 5, 2005; (21) Resignation of Robert Kelly, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 19, 2005; (22) Reinstatement of Robert Miller, Community Corrections Officer, Grade 110N, \$14.468 hourly, in the Div. of Community Corrections, effective April 18, 2005 and (23) Correction from February 10, 2005 Council Meeting: Reinstatement of Rachel Ferguson, Child Care Program Aide, Grade 107N, in the Div. of Family Services, effective February 14, 2005.

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Mr. Bernard McCarthy, 515 Harry St., spoke against closing Rose Street and in favor of widening Nicholasville Road.

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Mr. Robert Dalton, 520 Douglas Avenue, thanked the Mayor and Council for the Neighborhood Development Bond Program, and stated that the Georgetown Neighborhood Assoc. was working on bringing the neighborhood back into Douglas Park. He also spoke on the sidewalk program and the problem with streetlights that are located in the middle of sidewalks.

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Mr. Wigginton announced that Mr. Brown was absent from the meeting because he was attending the KY Black Caucus of Local Elected Officials Summit.

He also spoke in support of the Great American Clean-Up Program.

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The Council adjourned at 8:29 p.m.

Clerk of the Urban County Council